

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PROTECT DEMOCRACY PROJECT, INC.;)
BRENNAN CENTER FOR JUSTICE AT)
NEW YORK UNIVERSITY SCHOOL OF LAW;)
MICHAEL F. CROWLEY; and)
BENJAMIN WITTES,)

Plaintiffs,)

v.)

C.A. No. 18-10874-DPW

U.S. DEPARTMENT OF JUSTICE;)
DEPARTMENT OF HOMELAND SECURITY;)
WILLIAM PELHAM BARR in His Official)
Capacity as Attorney General of the United)
States; and KEVIN K. McALEENAN,)
In his Official Capacity as Acting Secretary of)
the Department of Homeland Security,)

Defendants.)

DEFENDANTS' MOTION TO EXTEND TIME
IN WHICH TO FILE SUPPLEMENTAL BRIEF

Defendants, U.S. Department of Justice, Department of Homeland Security, William Pelham Barr in his official capacity as Attorney General of the United States and Kevin K. McAleenan, in his official capacity as Acting Secretary of the U.S. Department of Homeland Security ("Defendants"), by their attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, respectfully move the Court for an additional two business days – until December 13, 2019 – in which to file a supplemental brief in this matter, or to advise the Court that it will not be filing a supplemental brief.

As grounds for this motion, undersigned counsel has been out of town on business from December 9, 2019, through December 12, 2019, and has been unable to devote sufficient time to address the issues raised by the Court at the December 4, 2019, hearing on Defendants' motion

to dismiss. Counsel anticipates that by Friday, December 13, 2019, Defendants will be in a position to advise the Court whether they have or have not located any cases addressing the situations raised at the hearing, or any other information they believe may be beneficial to the Court's analysis.

Undersigned represents that she has attempted to confer with counsel for Plaintiffs by email, but due to computer issues, was not able to confer prior to the filing of this motion.

WHEREFORE, Defendants request that the Court grant this motion, and authorize it to file a supplemental brief, or otherwise advise the court if one will be filed, by December 19, 2019.

Respectfully submitted,

ANDREW E. LELLING,
United States Attorney

By: /s/ Susan M. Poswistilo
Susan M. Poswistilo (BBO #565581)
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Date: December 11, 2019

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Susan M. Poswistilo

Susan M. Poswistilo

Date: December 11, 2019

CERTIFICATION

I certify that I have attempted to confer with counsel for plaintiffs by email and have not received a response.

Date: December 11, 2019

/s/ Susan M. Poswistilo

Susan M. Poswistilo